

## REMARKS

As noted in the Advisory Action, the Amendment filed on December 13, 2007 was not entered. The Applicant is resubmitting the amendment in this document. The present amendment is being filed under a Certificate of Mailing as indicated. Claims 1-34 are pending. Claims 1, 18, 30, and 34 have been amended.

### **§102**

Claims 1-34 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 7,048,740 to White. (“White”). Independent claim 1 is directed to an acetabular reamer that includes a body defining a relief surface that is operably connected to and defines an edge of a peripheral surface of the body. As shown in FIG. 1, and now recited by independent claim 1, the peripheral surface (14) is a truncated hemisphere with its boundaries defined by the end surface (20) and the relief surface (22).

It is the Applicants’ belief that the prior art does not disclose such a feature. White is directed to an acetabular reamer that includes an external surface 436, a peripheral base 432, and a mounting bar 440 having armatures 441. There is no disclosure in White of a peripheral surface that is a truncated hemisphere. Instead, as shown in FIG. 25 of White, the external surface 436 of the reamer is a hemisphere that is bounded by the peripheral base 432. The armatures 441 extend past the hemispherical edge and do not serve as a boundary of a truncated hemisphere.

Therefore, for at least this reason, claim 1 and its dependents are believed to be allowable over the prior art.

Independent claim 18 recites a first relief surface that is operably connected to a peripheral surface of the body and a second relief surface that is operably connected to a peripheral surface of the body. The claim has been amended to recite that the peripheral surface of the body is a truncated hemisphere with its edges defined by the end surface and the first and second relief surfaces. As stated above in reference to claim 1, White does not disclose a peripheral surface of the body that is a truncated sphere that is bounded by the end surface and first and second relief surfaces. For at least this reason, claim 18 and its dependents are believed to be allowable over the prior art.

Independent claim 30 has also been amended to recite that the peripheral surface of the body is a truncated hemisphere whose edges are defined by the end surface and the relief

surface. Therefore, for at least the reasons discussed in relation to claim 1, independent claim 30 and its dependents are believed to be allowable over the prior art.

Independent claim 34 has also been amended to recite that peripheral surface of the body is a truncated hemisphere whose edges are defined by the end surface and the relief surface. Therefore, for at least the reasons discussed in relation to claim 1, independent claim 34 is believed to be allowable over the prior art.

### **§103**

The Examiner also rejected claims 9, 10, and 14 as being obvious in view of White. Specifically, the Examiner stated that the limitations stated in claims 9, 10, and 14 were obvious matters of design choice. Claims 9, 10, and 14 depend from newly amended claim 1, and therefore include the limitation that the peripheral surface is a truncated hemisphere that is defined by the end surface and the relief surface. As stated above with respect to claim 1, White does not disclose this feature. It is also the Applicants' belief that such a feature is not a simple matter of design choice. Therefore, claims 9, 10, and 14 are believed to be allowable over the prior art.

### **Conclusion**

For the above-described reasons it is respectfully submitted that the rejections to the claims have been overcome and that all remaining claims, namely claims 1-34 are currently in condition for allowance. A Notice of Allowance is respectfully requested.

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